

Appl. No. 10/563,274  
Reply to Office Action dated 9/23/2009

### Remarks

Favorable reconsideration of this application is respectfully requested. The specification is amended to address formal issues, and the revisions are supported, for example by Figs. 1 and 2 and in relevant descriptions of Applicants' specification as filed, such as at paragraphs [0024] and [0027]. Claim 1 is amended to address formal issues and is supported throughout Applicants' disclosure. No new matter has been added. Claims 1-3 and 10-21 are pending. Applicants appreciate the Examiner's consideration that claims 1-3 and 10-21 would be allowable if amended to overcome the formality issues raised in the Office Action.

### Drawing Objections

The drawings are objected to for not including "Prior Art" designations for Figs. 7 and 8. Applicants respectfully request that the objection be withdrawn, since Replacement Drawings of Figs. 7 and 8 were previously submitted with the Amendment filed on January 27, 2009. The Replacement Drawings previously filed include the "Prior Art" designations and are of record. No additional correction is necessary.

The drawings are objected to for not showing every feature specified in the claims. Particularly, the feature, "an amplitude of a polarized light component that is polarized perpendicular to the track direction is greater than that of other polarized light components", is objected to for not being shown in the drawings. Applicants respectfully disagree and request reconsideration in view of the following clarification. For example, paragraph [0010] of the specification (see page 4, lines 18-22) define the language objected to, which is further explained with reference to Fig. 1 at paragraph [0027] of the specification (see e.g. page 12, line 29 to page 13, line 3). The specification also has been revised at paragraph [0010] to further reference Figs. 1 and 2, which show the feature claimed, and are supported by paragraphs [0024] and [0027] of the specification. For at least these reasons, Applicants respectfully submit that the features claimed are shown and described with respect to the drawings filed.

Withdrawal of the objection is respectfully requested.

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Claim Rejections- 35 U.S.C. 112

Claims 1-3 and 10-21 are rejected under 35 U.S.C. 112, second paragraph, for being indefinite. Applicants respectfully traverse the rejection.

Claim 1 has been amended to clarify that the information recording medium includes "a recording unit having a multilayer structure of recording layers capable of recording information three-dimensionally and from which can be reproduced information recorded..." Applicants respectfully submit that the language is definite.

Claim 1 also has been amended to delete the rejected language "the reproduction light is focused on a predetermined recording layer through the other recording layer, thereby reproducing information from the predetermined recording layer" from the claim.

For at least the foregoing, Applicants respectfully submit that claim 1 and its dependents are definite. Applicants do not necessarily concede the correctness of the rejection. Favorable reconsideration and withdrawal of the rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully request favorable reconsideration of this application in the form of a Notice of Allowance. If any questions arise regarding this communication, the Examiner is invited to contact Applicants' representative listed below.



Dated: December 22, 2009

Respectfully submitted,

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